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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,847	01/31/2001	Harald Krondorfer	. 1466	6258
7590 12/28/2004			EXAMINER	
STRIKER, STRIKER & STENBY 103 East Neck Road			WEEKS, GLORIA R	
Huntington, NY 11743			ART UNIT	PAPER NUMBER
<i>5</i> ,			3721	
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DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4) Claim(s) 11-25 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 7) Claim(s) is/are objected to. 8) Claim(s) 11-25 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.		Application No.	Applicant(s)				
Cloria R Weeks 3721	Office Action Summer	09/774,847	KRONDORFER ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions for many be available under the provisions of 37 CPR 1.136(n). In cevent, however, may a reply be timely filed Extensions for many be available under the provisions of 37 CPR 1.136(n). In cevent, however, may a reply be timely filed Extensions for many be available under the provisions of 37 CPR 1.136(n). In cevent, however, may a reply be timely filed Extensions for the period for reply specified above is less than hirty (201 days, see play within the statutory minimum of thinty (20) days will be considered timely. If the period for reply specified above is less than hirty (201 days, see play within the statutory minimum of thinty (20) MoNTH from the malling date of the communication, seen if the seed of the communication. If the period for reply specified above is less than hirty (201 days, see the septimization to become aBANDONED (39 U.S.C. § 133). Status 1)⊠ Responsive to communication(s) filled on 23 July 2004. 2a)☐ This action is FINAL. 2b) ☑ This action is non-flinal. 3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) 11-25 is/are pending in the application. 4)② Claim(s) 11-25 is/are allowed. 5)☐ Claim(s) 11-25 is/are allowed. 6)☐ Claim(s) 11-25 are subject to restriction and/or election requirement. Application Papers 9)☐ The specification is objected to by the Examiner. 10)☐ The drawing(s) filled on 11-13/are allowed. 11.☐ Craim(s) 11-25 are subject to restriction and/or election requirement. Application Papers 9)☐ The specification is objected to by the Examiner. 10)☐ The drawing(s) filled on 11-13/are allowed. 11.☐ Craim(s) 11-25 are subject to restrict	Office Action Summary	Examiner	Art Unit				
Period for Reply A SHONTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ± MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. after SIX (6) MONTHS from the mailing date of this communication. If the period for reply set period above, the maining date of this communication. If the period for reply set period above, the maining date of this communication. If the period for reply set period above, the maining date of this communication. If the period for reply set period above, the maining date of this communication. If the period for reply set period above, the maining date of this communication, we not set the maining date of this communication, even if limity field, may reduce any search gatent term adjustment. See 37 CFR 1.764(b). Status 1) Responsive to communication(s) filed on 23 July 2004. 2a) This action is FINAL. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 11-25 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are rejected to. 8) Claim(s) is/are objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some ° c) None of: 1 Certified copies of the priority documents have been received in Application No. 3 Copies of the certified copies of the priority documents have been received in Application No. 4 Certified copies of the priority							
THE MAILING DATE OF THIS COMMUNICATION. Extensions of the may be available under the provision of 37 CPR 1.15(b). In no event, however, may a raply be timely filed after 50k (6) MONTHS from the mailing date of this communication. If NO particle for reply is specified above, the maximum studency provised may be visible to the provision of the reply septimise date with the time benefit and studency provised may be visible to reply within the mailing date of this communication. Failure to reply visible in the set or extended period for reply-will, by studency accurate the provision of the reply septimise the make mailing date of this communication, even if timely filed, may reduce any secured plant time adjustment. Set 57 CPR 1.74(b): Status 1) Responsive to communication(s) filed on 23 July 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 11-25 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) Claim(s) 11-25 is/are pending in the application. 4a) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are subjected to. 8) Claim(s) 11-25 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be hald in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority und	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
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Response to Amendment

1. This action is in response to Applicants' amendment received on July 23, 2004.

Election/Restrictions

2. Claims 11-13, 17, 19 and 24 are generic to a plurality of disclosed patentably distinct species comprising:

Species I: claims 11-17 and 19-21, 24, illustrated in figure 2 and drawn to a handle

having a safety element arranged in an elastic element.

Species II: claims 11-17 and 19-25, illustrated in figures 3 & 4 and drawn to a handle

having a safety element reinforced by sleeves.

Species III: claims 11-13, 17-19 and 24, illustrated in figure 6 and drawn to a handle

having a safety element formed around an elastic element.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversable.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention(s).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R Weeks whose telephone number is (571) 272-4473. The examiner can normally be reached on 7:30 am - 6:00 pm Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott A Smith can be reached on (571) 272-4469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gloria R Weeks Examiner Art Unit 3721

grw
December 16, 2004

SCOTT A. SMITH PRIMARY EXAMINER